

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Brian R. Chevalier

v.

Civil No. 07-cv-236-JL

State of New Hampshire

**O R D E R**

At today's telephone conference between the court and counsel it was agreed by all parties that the case will proceed as follows: The motion for summary judgment (document no. 28) is denied without prejudice and the hearing currently scheduled for September 15, 2011 is removed from the calendar. On or before **September 22, 2011**, the petitioner shall file a motion to amend his petition consistent with the ineffective assistance of counsel claims litigated and exhausted in the Coos County Superior Court (docket no. 217-2009-EQ-126). The petitioner has elected not to proceed on, and thus has withdrawn, all other claims.

**SO ORDERED.**

  
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Joseph N. Laplante  
United States District Judge

Dated: September 1, 2011

cc: Justin Paul Nadeau, Esq.  
Mark R. Ryder, Esq.  
Elizabeth C. Woodcock, Esq.  
Stephen D. Fuller, Esq.